

REMARKS

The Applicant respectfully requests further examination and reconsideration in view of the arguments set forth fully below. Claims 1-3, 6-15, 18-27, 30-39 and 42-51 were previously pending in this application. Within the Office Action, Claims 1-3, 6-15, 18-27, 30-39 and 42-51 have been rejected. Accordingly, Claims 1-3, 6-15, 18-27, 30-39 and 42-51 are currently pending in this application.

Double Patenting

Within the Office Action, Claims 1-3, 6-15, 18-27, 30-39 and 42-51 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 4-15, 17-25, 28-39, 41-49, 52-63, 65-73, 76-87 and 89-96 of co-pending Application No. 09/801,138, and Claims 1-49 of co-pending Application No. 09/801,072. The Applicant is filing a terminal disclaimer herewith to obviate this double patenting rejection over Application Numbers 09/801,138 and 09/801,072.

Allowable Subject Matter

Within the Office Action, it is indicated that Claims 1-3, 6-15, 18-27, 30-39 and 42-51 are allowable if the double patenting rejection is removed. With this response, the Applicant is filing a terminal disclaimer to remove the double patenting rejection. Accordingly, Claims 1-3, 6-15, 18-27, 30-39 and 42-51 are allowable.

For the reasons given above, Applicant respectfully submits that Claims 1-3, 6-15, 18-27, 30-39 and 42-51 are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, she is encouraged to call the undersigned attorney at (408) 530-9700.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Date: August 11, 2005

By: Jonathan O. Owens
Jonathan O. Owens
Reg. No. 37,902

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 8/11/05 By: [Signature]

Attorneys for Applicant